

VZCZCXRO3709
RR RUEHAST
DE RUEHTC #1448/01 1791841
ZNR UUUUU ZZH
R 281841Z JUN 06
FM AMEMBASSY THE HAGUE
TO RUEHC/SECSTATE WASHDC 6183
INFO RUEHZL/EUROPEAN POLITICAL COLLECTIVE
RUEAHL/HOMELAND SECURITY CENTER WASHINGTON DC
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UNCLAS SECTION 01 OF 03 THE HAGUE 001448

SIPDIS

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SUBJECT: DUTCH TIP POLICY OFFICIALS TO VISIT UNITED STATES,
JULY 4-7, 2006

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¶1. Summary. Eleven senior officials responsible for the development and enforcement of Dutch policy on combating trafficking in persons (TIP) will visit the United States July 4-7 to learn about U.S. approaches to TIP policy development, law enforcement, and victim assistance. The visit advances the 2005 U.S.-Dutch "Next Steps" bilateral law enforcement dialogue agreement to exchange information on TIP law enforcement issues. The delegation's primary objective is to learn more about TIP law enforcement coordination at the Federal and local levels and about investigative techniques used in the U.S. to identify and prosecute traffickers. Post strongly supports this visit. End Summary.

Background: TIP in the Netherlands

¶2. The Netherlands is a destination and transit country for the trafficking of women and girls for the purpose of sexual exploitation; some trafficking for labor exploitation also occurs. The Dutch government has a comprehensive program to combat trafficking in persons; the National TIP Action Plan, adopted in 2004 and updated in 2006, includes components related to prevention, investigation and prosecution of traffickers, and assistance to TIP victims. An autonomous National Rapporteur for Trafficking in Human Beings monitors government efforts against trafficking and makes policy recommendations. The Government of the Netherlands was ranked on Tier One in the State Department's 2006 annual TIP report (www.state.gov/g/tip/rls/tiprpt/2006).

¶3. Prostitution for individuals 18 years of age and older is legal and regulated in the Netherlands; the Dutch maintain that legalization of prostitution helps them fight trafficking. Specially trained police conduct regular inspections of licensed brothels to ensure compliance with license conditions; in particular, police check for the presence of TIP victims and minors, and check that all workers have valid residence and work permits. According to NGOs, the police, and the National Rapporteur for Trafficking in Persons (NRM), nearly all trafficked women work in unregulated sectors of prostitution, such as escorts or streetwalkers.

¶4. Dutch TIP law is in accordance with the Trafficking Protocol of the UN Convention Against Transnational Organized Crime and the EU Framework Decision on Trafficking in Persons. Dutch TIP law covers both internal and external (transnational) forms of trafficking. Trafficking is punishable by up to 12 years imprisonment in case of serious physical injury and 15 years in case of death, and/or a fine of up to 45,000 euros. These penalties are commensurate with penalties for other grave crimes. There is a designated National TIP prosecutor; each of the 19 regional prosecutor's offices also has a specialized TIP prosecutor. The interagency National Police Expertise Center on Human Trafficking and Smuggling, established in mid-2005, uses a multidisciplinary approach to investigate and prosecute complex trafficking crimes, and serves as a resource center for regional TIP investigators and prosecutors. 253 traffickers were prosecuted, and 136 convicted, in the Netherlands during 2004.

¶5. The Dutch Foundation against Trafficking in Women (STV), the national center for registration of TIP victims, provides social support, legal advice, medical aid, safe shelters and counseling to TIP victims. STV registered 424 TIP victims in 2005; the top five countries of origin were the Netherlands, Bulgaria, Nigeria, Romania and Poland. 122 TIP victims, including 15 male victims, have been registered by STV in the first four months of 2006. The government provides a temporary residence mechanism (known as a B-9 visa) to allow TIP victims who assist in the investigation and prosecution of traffickers to remain in the Netherlands legally until legal proceedings are completed. TIP victims in B-9 status are permitted to work or attend training; they also receive legal, financial and psychological assistance, including safe shelter, medical check-ups and social security benefits.

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TIP Delegation Objectives

¶6. The delegation members sit on an interagency steering committee responsible for developing and implementing anti-TIP policy in the Netherlands. The committee is currently developing a new pilot project to improve coordination between local and national police and prosecution efforts to combat TIP. They would welcome candid discussion of the U.S. experience with inter-governmental policy coordination and implementation -- what works, and what doesn't -- to inform their own policy discussions. They are also interested in case studies of investigative techniques used by U.S. law enforcement in human trafficking and smuggling cases.

¶7. The delegation will meet with the Task Force on Trafficking in Persons and Immigration and Customs Enforcement (ICE) in Houston July 5; the State Department Office to Monitor and Combat Trafficking in Persons (G/TIP), the Department of Justice Civil Rights Division, Criminal Section, ICE Office of International Affairs and the director of the NGO umbrella group Break the Chain Campaign in Washington July 6 and 7. Delegation members have indicated specific interest in exchanging information on the following themes:

- a. Coordinating policy, investigations and prosecutions, especially between local, state and national agencies.
- b. U.S. analysis related to the identification of traffickers and trafficking organizations. Are the traffickers primarily U.S.- or foreign-based? Are organized crime groups involved in TIP generally specialized in human trafficking or poly-crime groups? Have formal or informal links been identified between trafficking organizations in different regions? Is there a division of labor among

traffickers (i.e., does one group recruit, another provide transportation across the border, etc.)?

c. Effective investigative tools, especially experiences with financial investigations and undercover operations.

d. Investigation and prosecution of forced labor and labor exploitation cases. Dutch TIP law was expanded last year to include forced labor in the definition of trafficking; the Dutch are in the process of prosecuting their first forced labor cases.

18. The delegation is comprised of senior officials from the Ministry of Justice and the quasi-independent Public Prosecution Service, as well as senior police officials responsible for TIP investigations:

- Procurador-General Herman Bolhaar. The five-member Council of Procuradors-General is a supervisory body that sets policy and priorities for the Public Prosecution Service. Bolhaar oversees policy implementation for TIP and human smuggling cases;
- National TIP Prosecutor Warner Ten Kate;
- Justice Ministry Director of Law Enforcement Arie Ijzerman;
- Justice Ministry Senior Policy Advisor for Law Enforcement Gert Bogers;
- Den Bosch Chief prosecutor Gerrit Van der Burg;
- National Rapporteur for Trafficking in Persons Anna Korvinus;
- National Rapporteur Senior Staff Attorney Dagmar Koster;
- Ministry of Interior Director of Police & Public Safety Policy Catharina Smithshuysen;
- Chief of Police Gerrit Veldhuis;
- Police Coordinator for TIP & TIP Expertise Center Director Rene Nuijten;
- Chief Constable Ted Peer, coordinator for police

training on TIP.

Richard Gerding, Justice Counselor at the Royal Netherlands

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Embassy will accompany the group.

Comment

19. Post strongly supports this visit. We anticipate it will advance both our bilateral dialogue on trafficking in persons and our extensive bilateral law enforcement cooperation agenda. While they are sensitive to criticism on TIP based primarily on legalized prostitution, the Dutch are very interested in expanding cooperative exchanges with us on TIP prevention, law enforcement and victim assistance. The visit provides an opportunity to build on the positive discussions, focused on TIP victim assistance, between HHS A/S Wade Horn and Dutch government and NGO officials during Horn's recent visit to the Netherlands. End Comment.

ARNALL